

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Order Instituting
Investigation on the Commission's own motion
into the operations and practices of William
Michael Gavin, an individual doing business as
Affordable Apartment Movers,

Respondent.

Investigation 01-11-037
(Filed November 29, 2001)

**ASSIGNED COMMISSIONER'S RULING
DETERMINING THE SCOPE, SCHEDULE,
AND NEED FOR HEARING IN THIS PROCEEDING**

This ruling determines the scope, schedule, and need for hearing in this proceeding in accordance with Rules 6(c) and 6.3 of the Commission's Rules of Practice and Procedure (Rules).¹

Background

On November 29, 2001, the Commission issued its Order Instituting Investigation (OII) 01-11-037 into the operations of Michael Gavin, doing business as Affordable Apartment Movers (AAM). The OII alleged that the Commission had received complaints from customers contending that AAM had assessed charges in excess of verbal prices quoted and failed to respond to their complaints or claims for loss or damaged property, and that the Commission's

¹ Rules 6(c) and 6.3 require the assigned Commissioner to determine the scope and schedule of a proceeding.

Consumer Services Division's (CSD) investigation had also revealed allegations of unprofessional behavior and poor service.

On January 7, 2002, the Assigned Administrative Law Judge (ALJ) held a Prehearing Conference (PHC). The respondent appeared with counsel via telephone and stated his intent to resolve all outstanding customer claims and complaints to CSD's satisfaction. CSD representatives and counsel appeared and stated that they were still investigating the respondent and evaluating proffered explanations for lapses in compliance.

Need for Evidentiary Hearings

At this point, outstanding issues of material fact remain in dispute between the parties such that scheduling hearings will be necessary. The parties should inform the ALJ should they resolve these issues in a mutually-agreeable manner such that the schedule may be modified.

Scope of the Proceeding

The scope of this proceeding shall be to determine whether respondent has violated applicable law or Commission policy as outlined in the OII. Should any such violations be found, the scope of this proceeding will also include the appropriate sanctions.

Procedural Schedule

At the PHC, the ALJ adopted the following schedule:

Respondent to Complete Restitution Efforts	February 19, 2002
CSD to complete direct case	March 1, 2002
Respondent to submit written testimony	March 22, 2002
Hearings (Ventura, CA)	April 4 & 5, 2002
Projected Submission Date	May 31, 2002

Presiding Officer

The Assigned ALJ, Maribeth A. Bushey, will act as the presiding officer in this proceeding.

Ex Parte Communications

This matter has been designated as “adjudicatory.” Therefore, pursuant to Rule 7(b), ex parte communications are prohibited.

IT IS HEREBY RULED that:

1. Evidentiary hearings are needed.
2. The scope of this proceeding is stated above.
3. The schedule for the remainder of this proceeding is as described in the body of this ruling.
4. Maribeth A. Bushey shall be the presiding officer in this proceeding.

Dated January 29, 2002, at San Francisco, California.

/s/ RICHARD A. BILAS

Richard A. Bilas
Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner's Ruling Determining the Scope, Schedule, and Need for Hearing in This Proceeding on all parties of record in this proceeding or their attorneys of record.

Dated January 29, 2002, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.